THE BOMBAY TRADE DISPUTES CONCILIATION ACT, 1934 (BOM. IX OF 1934).

G. N., P. & R. D., No. 340/34, dated 12th January 1935 (B. G., Pt. I, p. 80).

Amended by G. N., P. & R. D., No. 340/34, dated 3rd May 1935.

Amended by G. N., P. & S. D., No. 1766/34, dated 10th June 1938.

S. 20. Bombay Trade Disputes Conciliation Rules, 1934.

In exercise of the powers conferred by section 20 of the Bombay Trade Disputes Conciliation Act, 1934 (Bom. IX of 1934), the Governor in Council is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act :—

PRELIMINARY.

1. *Short title.*—These rules may be called the Bombay Trade Disputes Conciliation Rules, 1934.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context.

(*a*) "Act" means the Bombay Trade Disputes Conciliation Act, 1934.

(*b*) "Section" means a section of the Act.

3. *Form and manner of giving notice under section* 8.—The notice under section 8 shall be given in Form A appended to these rules and shall be served in the following manner :—

(*a*) Where a registered company is a party to a trade dispute, the notice shall be sent to the managing agent or the managing director of the company at the registered office of the company.

Provided that when such company has, before the issue of the notice, intimated in writing to the Chief Conciliator that the notice under this section should be served on some other officer in a Part A State or Part C State of such company, the notice shall be sent to such officer at such address as may be specified in the intimation.

(*b*) Where members of a registered trade union are a party to a trade dispute, the notice shall be sent to the registered office of the trade union.

(*c*) Where an owner, Manager or occupier of an industrial establishment is a party to a trade dispute the notice shall be sent by registered post addressed to him at such establishment.

(*d*) Where workmen who are not members of a registered trade union, and who have not made an application under clause (*a*) of section 7, are a party to a trade dispute, the notice shall be served on the Labour Officer, who shall communicate its contents to the workmen in such manner as seems best to him in the circumstances of each case.

(*e*) Except in cases provided in clauses (*a*) to (*d*), notice shall be sent by registered post to the address given by a party to a trade dispute in his application under clause (*a*) of section 7.

4. *Intimation of authorisation of an Officer by a Company.*—(*a*) Where an employer is a company registered under the Indian Companies Act, 1913, the managing agent or the managing director of such company may give written intimation to the Chief Conciliator that the company has authorised some other officer of the company residing in a Part A State or Part C State to represent it for the purposes of sub-section (*3*) of section 9.

(*b*) Such intimation shall contain the name, address and occupation of the officer authorised to represent the company.

(*c*) Such intimation shall be given to the Chief Conciliator at any time not later than twenty-four hours after notice under section 8 is given to such employer.

5. *Expenses of witnesses.*—(1) Expenses reasonably incurred by any person summoned to give evidence or produce a document before the Conciliator may be allowed by the Conciliator to such person according to the scale prescribed for witnesses summoned to give evidence in the Court of the Presidency Small Causes, Bombay.

(2) Any party to a trade dispute applying for the issue of a summons to any person required to give evidence or produce document before the Conciliator shall within a period to be fixed by the Conciliator and before a summons is issued, deposit with the Conciliator such sum of money as would, in the opinion of the Conciliator, be sufficient for the purpose of defraying the expenses of the person summoned.

(3) The expenses allowed in the case of a person summoned by the Conciliator on his own motion or at the request of the Labour Officer shall be borne by the State Government.

6. *Manner of maintaining record of conciliation proceedings and settlement.*—The records of conciliation proceedings shall be maintained in Form B appended to these rules.

FORM A.

(*See* Rule 3.)

Form of Notice to be given under section 8 of the Bombay Trade Disputes Conciliation Act, 1934.

Whereas under section 7 of the Bombay Trade Disputes Conciliation Act, 1934, an application has been made by _____ for the settlement of the Labour Officer has made a report to the Conciliator, a trade dispute in

And whereas I am satisfied that the dispute exists or is apprehended in

I hereby call upon you under the powers vested in me under sub-sections (*1*) and (*2*) of section 8 of the said Act, to appoint within days of the receipt of this notice delegates not exceeding in number to appear before me on your behalf to take part in the conciliation proceeding which will commence on the day of at

(Signed)

Dated Conciliator.

FORM B.

(*See* Rule 6.)

Form in which record of conciliation proceedings shall be maintained.

REFERENCE NO.

1. Name or names of firm or firms in which the trade dispute existed.

2. Names of parties and names of delegates, if any.

3. Date of the first day on which the workmen were absent from work through the trade dispute.

4. Total number of persons employed in the firm or firms in which the strike or lock-out has occurred or is apprehended.

5. Number of persons involved in the trade dispute—

   Directly ... ...

   Indirectly ... ...

6. Cause or object of the trade dispute.

7. Date when the trade dispute ended.

8. Result of the trade dispute ...

9. A brief description of the steps taken to bring about a settlement, giving the names of any organizations or persons assisting to bring about the settlement.

10. Method by which settlement was brought about.

NOTE.—When an agreement in writing has been arrived at between the parties to the trade dispute, a copy of the agreement should be attached to the record.

Signature or signatures of officer or officers concerned with the settlement of the trade dispute.

Date

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